IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE C.V.RAMULU

WRIT APPEAL No.1809 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the order dated 18-08-2004 in WPMP No.6966 of 2004 and WVMP No.1437 of 2004 in W.P.No.5347 of 2004 on the file of the High Court)

Between:

1. Balu Yanadi Reddy,

S/o Venkat Reddy,

Aged about 60 years, Occ: Agriculturist.

2. Ravi Ramanaiah,

S/o Ravi Subbaiah,

Aged about 55 years, Occ; Agriculturist.

3. Kancharla Sundarramaiah,

S/o Venkataswamy,

Aged about 45 years, Occ; Agriculturist.

4. S.Sundara Rama Naidu,

S.o Penchala Subba Naidu,

Aged about 32 years, Occ: Agriculturist.

All are residents of Kondapuram (v), Chejerla (M)

Nellore district.

.. APPELLANTS

AND

1. P.Subba Rao, S/o Yanadiah,

aged about 50 years,

R/o Plot No.1, NCC Colony,

Podalakuru Road,

Nellore-4.

2. The Government of Andhra Pradesh,

rep. by its Secretary, Industries & Commerce Dept.,

Secretariat, Hyderabad.

3. The Director, Mines & Geology,

BRKR buildings, 8th Floor,

Tank Bund Road, Hyderabad.

4. The Deputy Director of Mines and Geology,

Guntur, Guntur district.

5. The Assistant Director of Mines and Geology,

Nellore, Nellore district.

6. The Mandal Revenue Officer,

Chejerla (M)

Nellore district.

Counsel for appellants : Sri A.Chandraiah Naidu

Counsel for respondents : Government Pleader for Mines

The Court made the following:

JUDGMENT: (Per Hon'ble the Chief Justice)

Appeal is filed by four persons against the order passed by the learned single Judge on 18th August, 2004 declining to vacate the interim order passed in WPMP No.6966 of 2004 and making the same absolute with further direction issued in WPMP No.6965 of 2004 against the fifth respondent herein to grant permits to writ petitioner for quarrying and transporting of minerals.

It has been urged before us on behalf of appellants that their application seeking impleadment in the writ petition was pending and was also listed on the date when interim order was passed, but name of the counsel, who represented the appellants, was not shown in the cause list, because of which he could not appear, which led to court disposing of the vacate application and also passing an order issuing direction to fifth respondent herein.

The very fact that application for impleadment was pending and name of the counsel representing the applicants therein was not shown in the cause list, would be a ground to allow the appeal and set aside the impugned order, for which learned counsel for respondents has no objection.

Accordingly, writ appeal is allowed and impugned order is set aside with direction that WVMP No.1437 of 2004, WPMP No.6965 of 2004, WPMP No.6966 of 2004 and implead application will be heard and decided afresh in accordance with law.

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DEVINDER GUPTA, C.J.

C.V.RAMULU, J

09-11-2004

bsc

To

1. The Secretary, Industries & Commerce Dept.,

Government of Andhra Pradesh,

Secretariat, Hyderabad.

3. The Director, Mines & Geology,

BRKR buildings, 8th Floor,

Tank Bund Road, Hyderabad.

4. The Deputy Director of Mines and Geology,

Guntur, Guntur district.

5. The Assistant Director of Mines and Geology,

Nellore, Nellore district.

6. The Mandal Revenue Officer,

Chejerla (M)

Nellore district.

7. 2 CCs to Govt. Pleader for Mines and Geology, High Court

buildings, Hyderabad (OUT)

8. 2 CCs.